

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CV44-1-MU

JOHN R. ALLEN,

Plaintiff,

v.

JIMMY HATLEY, et al.,

Defendants.

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ORDER

**THIS MATTER** comes before the Court upon its own motion.

On or about November 9, 2005, the Court mailed Plaintiff a copy of a November 8, 2005, Order. On or about December 1, 2005, the Order was returned to the Court as undeliverable. It is a Plaintiff's duty to keep the Court informed of his whereabouts. Plaintiff has failed to do so. Consequently, this Court will dismiss Plaintiff's Complaint without prejudice.

**IT IS THEREFORE ORDERED THAT** Plaintiff's Complaint pursuant to 42 U.S.C. § 1983 is **DISMISSED** without prejudice.

**Signed: December 19, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

